

Mei, Xu

From: Daniel.McLoughlin@WolfGreenfield.com
Sent: Wednesday, September 17, 2003 7:13 PM
To: Daniel.McLoughlin@WolfGreenfield.com; Mei, Xu
Cc: Rich.Giunta@WolfGreenfield.com; Robyn.Lecesse@WolfGreenfield.com
Subject: RE: U.S. Patent Application Serial No. 09/483,653: Proposed Amendments

September 17, 2003
Examiner Xu Mei
Art Unit 3712
United States Patent and Trademark Office
Washington, D.C. 20231

Re: PROPOSED DRAFT AMENDMENTS for:
U.S. Patent Application Serial No.: 09/483,653
Confirmation No.: 8646
Titled: "Methods And Apparatus For Producing Animal Sounds To Lure Animals"
Filed: January 14, 2000
Attorney Docket No.: G0671.70000US00 (formerly G00671.70000)

Dear Examiner Mei:

MPEP 713.01 specifies that, for an Internet email used to conduct an exchange or communication similar to those exchanged during telephone or personal interviews, a paper copy of contents of the Internet email MUST be placed in the patent application to which it pertains, as required by the Federal Records Act, in the same manner as an Examiner Interview Summary Form is entered.

Accordingly, Applicant respectfully requests that you place in the patent application file for this application paper copies of: 1) the email sent by the Applicant to you on 7/18/03, the email sent to you earlier today (9/17/03) by Applicant, and 3) this current email. 6

Further, Applicant respectfully proposes amending claim 87 as shown below. Similar to the proposed amendments for claims 26, 36, 47 and 70, please call Applicants' representatives to indicate whether the amendment to claim 87 is acceptable. If acceptable, we authorize you to enter the proposed amendment by an Examiner's Amendment so that claim 87 will be allowed. We will then send you clean (i.e., non-marked-up) copy of claim 87 as amended (along with the clean copies of the other claims) to facilitate the Examiner's Amendment.

87. An apparatus for luring an animal to an area in an environment, the method comprising:
 a recording medium on which is stored a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and a second signal representing a second pre-recorded sound that simulates at least a second animal sound, distinct from the first animal sound, made by a species of animal in the environment;
 a user interface including a first button to select the first pre-recorded sound and a second button to select the second pre-recorded sound;
 means for contemporaneously playing back the first and second pre-recorded sounds in response to the first button and the second button being pressed to produce a combination of

sounds for luring the animal; and

a hand-held unit to house the recording medium, the user interface and the means for playing back during operation of the apparatus.

We look forward to hearing from you.

Yours truly,

Dan

Daniel P. McLoughlin

Associate Attorney at Law

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-----Original Message-----

From: McLoughlin, Daniel P.

Sent: Wednesday, September 17, 2003 5:49 PM

To: Examiner Xu Mei (Xu.Mei@USPTO.GOV)

Cc: Giunta, Rich; Lecesse, Robyn

Subject: U.S. Patent Application Serial No. 09/483,653: Proposed Amendments

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Dear Examiner Mei:

Applicants' representatives appreciate your courtesy in granting and conducting a telephone interview on September 17, 2003 between you and Applicants' representative, Daniel P. McLoughlin, which is fully summarized below.

During the telephone interview, you indicated that the application would be in condition for allowance if some minor amendments were made to the claims. Specifically, you indicated that claims 26, 36, 47 and 70 would be allowable if amended to recite that the first and second sounds

are different or distinct sounds, and if claim 26 was further amended to include an additional act of storing the first and second sounds. In response, Applicants indicated that amending claims 26, 36, 47 and 70 to recite distinct sounds was acceptable, but suggested, as an alternative to adding an act of storing to claim 26, adding an act of operating a device including a recording medium having the first and second sounds stored thereon. You agreed that such amendment would be acceptable.

Accordingly, Applicants propose amending claims 26, 36, 47 and 70 as shown below. As you suggested, please call Applicants' representatives to indicate whether the amendments to the claims are acceptable. If acceptable, we authorize you to enter the proposed amendments by an Examiner's Amendment so that claims 26, 36, 47, 70 and 78 and their dependent claims will be allowed, and to cancel the remaining claims without prejudice or disclaimer to filing a continuation application. We will then send you clean (i.e., non-marked-up) copies of the independent claims as amended (and dependent claims amended for clarification as necessary) to facilitate the Examiner's Amendment.

For your convenience, the proposed amendments to the claims below also include the proposed amendments from July 15, 2003, which will also be entered by Examiner's amendment should the amendments below be deemed acceptable.

26. A method of luring an animal to an area in an environment, the method comprising ~~an act~~ acts of:

(A) operating a device that includes a recording medium having first and second separately pre-recorded sounds stored thereon, wherein the first pre-recorded sound simulates a first sound made by a species of animal in the environment and the second pre-recorded sound simulates a second sound, distinct from the first sound, made by a species of animal in the environment; and

(B) (A) contemporaneously playing back the first and second pre-recorded sounds that were recorded separately and that respectively simulate first and second sounds made by a species of animal in the environment,

wherein the contemporaneous playing back of the first and second prerecorded sounds produces a combination of sounds for luring the animal.

36. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

a recording medium storing first and second pre-recorded sounds that simulate first and second distinct sounds each made by a species of animal in the environment; and

a controller to play back the first and second pre-recorded sounds contemporaneously to produce a combination of sounds for luring the animal.

47. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

means for storing first and second pre-recorded sounds that simulate first and second distinct sounds each made by a species of animal in the environment; and

means for playing back the first and second pre-recorded sounds contemporaneously to produce a combination of sounds for luring the animal.

70. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

a recording medium on which is stored a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and a second signal representing a second pre-recorded sound that simulates at least a second animal sound, distinct from the first animal sound, made by a species of animal in the environment;

a user interface including a first button to select the first signal and a second button to select the second signal;

a controller to play back contemporaneously the first and second pre-recorded sounds, in response to the first button and second button being pressed, to produce a combination of sounds for luring the animal; and

a hand held unit to house the recording medium, the user interface and the controller during operation of the apparatus.

We look forward to hearing from you.

Yours truly,

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Subject: U.S. Patent Application Serial No. 09/483,653: Proposed Amendments

September 17, 2003
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Re: PROPOSED DRAFT AMENDMENTS for:
U.S. Patent Application Serial No.: 09/483,653
Confirmation No.: 8646
Titled: "Methods And Apparatus For Producing Animal Sounds To Lure Animals"
Filed: January 14, 2000
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Accordingly, Applicants propose amending claims 26, 36, 47 and 70 as shown below. As you suggested, please call Applicants' representatives to indicate whether the amendments to the claims are acceptable. If acceptable, we authorize you to enter the proposed amendments by an Examiner's Amendment so that claims 26, 36, 47, 70 and 78 and their dependent claims will be allowed, and to cancel the remaining claims without prejudice or disclaimer to filing a continuation application. We will then send you clean (i.e., non-marked-up) copies of the independent claims as amended (and dependent claims amended for clarification as necessary) to facilitate the Examiner's Amendment.

For your convenience, the proposed amendments to the claims below also include the proposed amendments from July 15, 2003, which will also be entered by Examiner's amendment should the amendments below be deemed acceptable.

26. A method of luring an animal to an area in an environment, the method comprising ~~an~~

~~act acts of:~~

(A) operating a device that includes a recording medium having first and second separately pre-recorded sounds stored thereon, wherein the first pre-recorded sound simulates a first sound made by a species of animal in the environment and the second pre-recorded sound simulates a second sound, distinct from the first sound, made by a species of animal in the environment; and

(B) (A) contemporaneously playing back the first and second pre-recorded sounds that were recorded separately and that respectively simulate first and second sounds made by a species of animal in the environment,

wherein the contemporaneous playing back of the first and second prerecorded sounds produces a combination of sounds for luring the animal.

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means for playing back the first and second pre-recorded sounds contemporaneously to produce a combination of sounds for luring the animal.

~~that is distinct from~~
70. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

a recording medium on which is stored a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and a second signal representing a second pre-recorded sound that simulates at least a second animal sound, distinct from the first animal sound, made by a species of animal in the environment;

a user interface including a first button to select the first signal and a second button to select the second signal;

a controller to play back contemporaneously the first and second pre-recorded sounds, in response to the first button and second button being pressed, to produce a combination of sounds for luring the animal; and

a hand held unit to house the recording medium, the user interface and the controller during operation of the apparatus.

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From: Daniel.McLoughlin@WolfGreenfield.com
Sent: Wednesday, July 16, 2003 9:47 AM
To: xu.mei@uspto.gov
Cc: Rich.Giunta@WolfGreenfield.com; Robyn.Lecesse@WolfGreenfield.com
Subject: U.S. Patent Application Serial No. 09/483,653: PROPOSED DRAFT AMENDMENTS

VIA Electronic Mail (i.e., email) Transmission

July 15, 2003

Examiner Xu Mei
Art Unit 3712
United States Patent and Trademark Office
Washington, D.C. 20231

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Titled: "Methods And Apparatus For Producing Animal Sounds To Lure Animals"
Filed: January 14, 2000
Attorney Docket No.: G00671.70000**

Dear Examiner Mei:

Applicants' representative, Daniel P. McLoughlin, and Examiner Mei held a telephone interview on July 15, 2003, which is fully summarized below. During the interview, Applicants' representative explained why independent claims 26, 36, 47, 70 and 78 patentably distinguish over the prior art. Examiner Mei suggested that Applicants amend these claims to further clarify the patentable subject matter to which Applicants believe they are entitled patent protection. Specifically, Examiner Mei suggested that Applicants propose amendments clarifying that, by playing back two animal sounds contemporaneously, a combination of sounds for luring an animal is produced.

Accordingly, Applicants propose amending claim 78 as follows to further clarify the subject matter to which Applicants believe they are entitled patent protection:

78. A method of luring an animal to an area in an environment using a hand-held unit that houses a recording medium and a user interface, the recording medium storing a first signal representing a first pre-recorded sound that simulates at least a first animal sound made by a species of animal in the environment and storing a second signal representing a second pre-recorded sound that simulates at least a second animal sound made by a species of animal in the environment that is different than the first animal sound, and the user interface including a first button to select the first pre-recorded sound and a second button to select the second pre-recorded sound, the method comprising acts of:

- (A) controlling a simulation of the first animal sound by pressing the first button to [reproduce] playback the first pre-recorded sound; and
- (B) controlling a simulation of the second animal sound that is contemporaneous to the

simulation of the first animal sound by pressing the second button to [reproduce] playback the second animal sound,
wherein the contemporaneous playing back of the first animal sound and the second animal sound produces a combination of sounds for luring the animal.

Applicants believe that claim 78 so amended would further patentably distinguish over the asserted art, and propose similar amendments to independent claims 26, 36, 47 and 70, as follows:

26. A method of luring an animal to an area in an environment, the method comprising an act of:

(A) contemporaneously playing back first and second pre-recorded sounds that were recorded separately and that respectively simulate first and second sounds made by a species of animal in the environment,

wherein the contemporaneous playing back of the first and second prerecorded sounds produces a combination of sounds for luring the animal.

36. An apparatus for luring an animal to an area in an environment, the apparatus comprising:

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a user interface including a first button to select the first signal and a second button to select the second signal;

a controller to play back contemporaneously the first and second pre-recorded sounds, in response to the first button and second button being pressed, to produce a combination of sounds for luring the animal; and

a hand held unit to house the recording medium, the user interface and the controller during operation of the apparatus.

As discussed during the July 15th interview, if independent claims 26, 36, 47, 70 and 78, as amended above, were considered allowable over the art of record, Applicants would cancel claims 1-25 and 48-53, which are claims directed to producing "environmental contact sounds," although such claims may be pursued in a continuing application.

As discussed, Examiner Mei will review the proposed amendments, discuss them with his supervisor, and call Applicant's representatives as soon as possible, preferably by Wednesday, July 16.

We look forward to hearing from you.

Yours truly,

Dan

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